

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE-OPELOUSAS DIVISION**

CATHERINE A. OBAFUNWA * CIVIL ACTION NO: 6:12-CV-2919

VERSUS * JUDGE REBECCA F. DOHERTY

**GILES AUTOMOTIVE, PATRICK * MAG. JUDGE C. MICHAEL HILL
MILLER AND GORDON BREAUX
AND XYZ INSURANCE COMPANY**

**MOTION FOR DISMISSAL ON BEHALF OF
PATRICK MILLER AND GORDON BREAUX UNDER RULE 12(b)(6)**

Defendants, Patrick Miller and Gordon Breaux, through undersigned counsel, respectfully move for dismissal pursuant to Federal Rule of Civil Procedure 12(b)(6). Neither of these individuals meet the definition of employer as that term is defined under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e, *et seq.*, or the Louisiana Employment Discrimination Law, La. R.S. 23:301, *et seq.* The reasons supporting this motion are set forth in the accompanying memorandum in support.

Defendants, Patrick Miller and Gordon Breaux, respectfully request that they be dismissed with prejudice, at Plaintiff's cost.

Respectfully submitted,

JUNEAU DAVID, APLC

/s/ Robert J. David, Jr.

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Counsel for Defendants, Patrick Miller and Gordon
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CERTIFICATE OF SERVICE

I hereby certify that on November 26, 2012, I electronically filed the foregoing with the Clerk of Court by using the CM/ECF system which will send a notice of electronic filing to all known counsel of record who are participants.

/s/ Robert J. David, Jr.

ROBERT J. DAVID, JR.